

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 5, 2011
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:00 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Bennett, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Sprague, approving the consent agenda with the exception of Items IV.C., Taping and Broadcast Schedule Edina Park Board and Edina Transportation Commission; IV.D., Change Order – Final Landscaping for Edina Public Works Building at 7450 Metro Boulevard; IV.E., Traffic Safety Report of June 1, 2011; and, IV.F., Ordinance No. 2011-13, Amending Section 850.04 Regarding Findings for Variance, as follows:

IV.A. Approve regular and work session meeting minutes of June 21, 2011.

IV.B. Review payment of the following claims as shown in detail on the Check Register dated June 23, 2011, and consisting of 32 pages; General Fund \$379,421.41; Communications Fund \$8,104.40; Police Special Revenue \$866.00; Braemar Memorial Fund \$5,465.00; Working Capital Fund \$175,502.93; Equipment Replacement Fund \$799.38; Construction Fund \$133,588.84; Art Center Fund \$4,824.72; Golf Dome Fund \$6,019.17; Aquatic Center Fund \$15,783.15; Golf Course Fund \$37,693.38; Ice Arena Fund \$12,600.06; Edinborough/Centennial Lakes Fund \$16,166.55; Liquor Fund \$208,702.96; Utility Fund \$721,377.41; Storm Sewer Fund \$201,313.59; PSTF Agency Fund \$4,808.76; TOTAL \$1,933,037.61 and for approval of payment of claims dated June 30, 2011, and consisting of 31 pages; General Fund \$78,150.37; Communications Fund \$373.99; General Debt Service Fund \$2,000.00; Working Capital Fund \$19,686.05; Equipment Replacement Fund \$202,812.39; Art Center Fund \$28,343.54; Golf Dome Fund \$600.00; Aquatic Center Fund \$4,838.98; Golf Course Fund \$15,899.45; Ice Arena Fund \$2,590.36; Edinborough/Centennial Lakes Fund \$46,683.94; Liquor Fund \$165,966.64; Utility Fund \$29,622.64; Storm Sewer Fund \$2,500.00; Recycling Fund \$32.69; PSTF Agency Fund \$3,315.45; Payroll Fund \$5,036.64; TOTAL \$608,453.13.

~~IV.C. Taping and Broadcast Schedule Edina Park Board and Edina Transportation Commission~~

~~IV.D. Change Order – Final Landscaping for Edina Public Works Building at 7450 Metro Boulevard, awarding the bid to the recommended low bidder, Applied Ecological Services, Inc. at \$5,786.20.~~

~~IV.E. Traffic Safety Report of June 1, 2011~~

~~IV.F. Ordinance No. 2011-13, Amending Section 850.04 Regarding Findings for Variance~~

IV.G. Waive Second Reading Adopting Ordinance No. 2011-14, Amending Section 1500 Regarding Planning Commission Attendance Requirements.

IV.H. Approve Flag Protocol Policy.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.C. TAPING AND BROADCAST SCHEDULE APPROVED – EDINA PARK BOARD AND EDINA TRANSPORTATION COMMISSION

The Council discussed the proposed requirement to use the dais for meetings conducted in Chambers, even if not recorded. Manager Neal explained that staff advocated for the requirement because rooms were available to accommodate other types and styles of meetings, and it was difficult to reconfigure the Chambers. Communications Director Bennerotte explained that meetings not videotaped for rebroadcast could be audio tape recorded; however, the quality would not be as high as a digital device.

The Council discussed the schedule for meeting rebroadcast. To avoid confusion for the viewer, Ms. Bennerotte recommended the playback be no longer than one month if it involved a topic that overlapped with Council consideration. Mr. Neal stated the broadcast schedule for Boards and Commissions was not included but could be drafted by staff and presented to the Council.

The Council asked if the policy could include the requirement that Board and Commission meeting packets be made available on line. Mr. Neal stated he supported posting meeting packets on line, once they are standardized, but recommended that a requirement not be included in this policy guiding when to record or not record a meeting. **Member Swenson made a motion, seconded by Member Brindle, approving taping and broadcast schedule for the Edina Park Board and Edina Transportation Commission, as revised to add: "9. All Board and Commission meetings that are not videotaped for rebroadcast will be audio taped."**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV.D. CHANGE ORDER APPROVED – FINAL LANDSCAPING FOR EDINA PUBLIC WORKS BUILDING AT 7450 METRO BOULEVARD

The Council asked about the form of supplemental landscaping. Public Works Director/City Engineer Houle explained this change order was for work completed last fall, prior to frost, to add hydromulch on upland seeding and low-grow turf. The goal of the landscaping plan was to have low maintenance vegetation with the exception of the boulevard and rain garden. Mr. Houle advised it takes three years to establish this type of vegetation and urged patience during this time period. The Council discussed whether there was an alternative to low maintenance vegetation, such as ornamental native perennials. Mr. Houle stated he would follow up with the landscape architect and contractor relating to what had been planted and its current condition. The Council requested the landscaper provide a presentation on the three-year evolution of low maintenance vegetation. **Mayor Hovland made a motion, seconded by Member Swenson, approving change order, final landscaping for Edina Public Works building at 7450 Metro Boulevard, awarding the bid to the recommended low bidder, Applied Ecological Services, Inc. at \$5,786.20.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV.E. TRAFFIC SAFETY REPORT OF JUNE 1, 2011, ACCEPTED

The Council discussed the placement of "Children at Play" signage and residents' confusion about what was and was not allowed. It was suggested that policy be developed relating to resident education and enforcement in correlation with revision of the Neighborhood Traffic Management Plan. With regard to the width of 59th Street requiring that parking be limited to one side of the street, Mr. Houle explained that existing topography and a retaining wall prevented widening of the street when it was reconstructed. **Member Bennett made a motion, seconded by Member Sprague, accepting Traffic Safety Report of June 1, 2011.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV.F. ORDINANCE NO. 2011-13 ADOPTED – AMENDING SECTION 850.04 REGARDING FINDINGS FOR VARIANCE

The Council asked whether each standard had to be met as a stand-alone test or read in the conjunctive. Attorney Knetsch advised that each test would have to be satisfied to meet the variance standard for practical difficulty. The Council considered the order of topics within the ordinance and noted the draft closely mirrored State Statute language, so the sequence was logical and language consistent.

The Council agreed to the following amendments: Section 1.F.1.a insert the word “and” after the semicolon; Section 1.F.2.a. insert the word “and” after the semicolon; and, Section 1.F.4, place period after the word “systems” and strike the word “and.” **Mayor Hovland made a motion, seconded by Member Brindle, grant First Reading and to waive Second Reading adopting Ordinance No. 2011-13, amending the Edina City Code concerning variances, as revised above.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. FM GLOBAL INSURANCE DONATION TO EDINA FIRE DEPARTMENT ACCEPTED

Jordan Gilgenbach, Communications Coordinator, explained FM Global Insurance was presenting the Edina Fire Department with a grant to print the *EFD Pulse*, its bimonthly newsletter.

Fire Marshal Jensen described how the *EFD Pulse* was electronically distributed, noting that not everyone could receive the electronic newsletter. He stated the FM Global Insurance grant would allow paper copies to be made for the next three issues. Mr. Jensen said the *EFD Pulse* was the brainchild of two Edina paramedics/firefighters, Brian Hanrahan and Todd Porthan, who made yearly presentations to Edina parenting classes and had suggested a newsletter be created to provide additional information.

Steven Cannon of FM Global Insurance Company presented a check for \$1,800 to the Edina Fire Department for the printing of the *EFD Pulse* newsletter. The Council thanked FM Global Insurance Company for its generosity

V.B. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR YEAR ENDED DECEMBER 31, 2010 RECEIVED

James Eichten of Malloy, Montague, Karnowski, Radosevich & Company, PA, principal in charge of the audit, presented a broad overview of the 2010 Comprehensive Annual Financial Review (CAFR), management report, and special purpose audit report. An unqualified clean opinion was offered on the City’s basic financial statements, and no findings of note were made relating to compliance in any area of the audit. Mr. Eichten reported the City had done an excellent job of internal controls, and financial records were in excellent condition and could be used to make informed decisions.

The Council recognized staff’s successful cost-containment strategies and efforts that resulted in expenses being three-fourths of a million dollars less than anticipated. **Member Bennett made a motion, seconded by Member Brindle, receiving the 2010 Comprehensive Annual Financial Report.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Finance Director Wallin thanked Eric Roggeman and Kyle Sawyer and staff for their efforts.

VI. PUBLIC HEARING HELD

VI.A. VALLEY VIEW SIDEWALK FROM MCCAULEY TRAIL TO HILARY LANE – RESOLUTION NO. 2011-70 DENIED

Minutes/Edina City Council/July 5, 2011

Affidavits of Notice presented and ordered placed on file. Assistant City Engineer Sullivan acknowledged receipt of a petition on July 5, 2011, that was provided to the Council. He then presented the feasibility report for a sidewalk along Valley View Road that was initiated by a petition ~~by~~ from residents. He displayed pictures of the project area and described the current field conditions. Mr. Sullivan reviewed the past consideration of this sidewalk and proposed roadway realignment. It was noted that staff had recommended the project as a roadway reconstruction and boulevard sidewalk construction; however, the full project cannot be built at this time because the City's portion of the costs of the 1-494/TH169 interchange and other higher priority projects have exhausted the City's Municipal State Aid (MSA) funds. In addition, concern was expressed about closing this road corridor during the interchange reconstruction.

Mr. Sullivan advised that ten property owners were represented at the June 15, 2011, informational meeting. Staff determined the sidewalk project was consistent with the Comprehensive Plan Sidewalk Facilities Plan and Bicycle Facility Plan. The new petition had 68 signatures against the addition of the temporary sidewalk, representing 47 properties, 22 in the project area. He noted that residents of 15 of the 23 properties along the actual corridor, or 65%, were not in favor of the sidewalk. A graphic was displayed depicting the project area and location of the 15 properties whose residents petitioned against the sidewalk.

Mr. Sullivan presented details of the proposed raised sidewalk that would be in place until about 2015, when a more comprehensive reconstruction with boulevard sidewalk and street lighting would occur with 20% of the cost assessed to residents. With regard to project financing, the estimated project cost of \$90,000, which includes \$10,000 for landscaping, would be paid from Public Works street maintenance funds. There would be no special assessments to property owners. Mr. Sullivan stated staff met with residents at the northeast and northwest corner of Valley View Road and Sally Lane to address concerns regarding sight lines. He said he recommended staff continue working with these residents to replant the boulevards to prepare for the final project, including a boulevard-style sidewalk.

In response to Council questions, Mr. Sullivan advised the 2005 Average Daily Trips (ADT) was 3,700, and with 2,400 ADT in 2009. The 85th percentile speeds were 31 to 32 mph in 2005 and 29 mph in 2009, or a 30% reduction. He indicated the City had not previously considered a temporary project such as this, for a two to six-year timeframe; however, since residents had requested the installation of a sidewalk, staff felt the issue should be presented to the Council. Mr. Sullivan stated if the Council determined to not move forward with a temporary raised sidewalk project, staff would ask the Council for direction relating to sight line issues. He advised that vegetation was located in the public right-of-way, but the intersections were compliant with the City's Clear View Code.

The Council discussed its goal to provide pedestrian and bicycle connections and noted the sidewalk project under discussion was not near the walking zones for the high school or middle school. Mr. Sullivan explained staff believed a larger reconstruction project was needed with a boulevard sidewalk; however, a temporary raised sidewalk could be an interim measure given available funding.

Mayor Hovland opened the public hearing at 8:19 p.m.

Public Testimony

Dianne Plunkett Latham of 7013 Comanche Court addressed the Council in support.

Richard Griffith of 7009 Comanche Court addressed the Council in support.

Doug Benner and Jill Benner of 7025 Sally Lane addressed the Council in opposition.

Robert Darwin, 7144 Valley View Road, addressed the Council in opposition of a temporary sidewalk and support of a cement curb.

Stan Dobrin, 7001 Sally Lane, addressed the Council in support.

Patrick Cronan, 7146 Valley View Road, addressed the Council in opposition.

Pat Lewis, corner of Valley View Road and Cheyenne Trail, addressed the Council in opposition.

Azmieh Obeid, 7024 Sally Lane, addressed the Council in opposition.

Carl Follstad, 5709 Bernard Place, addressed the Council in support.

Wayne Alexander, 7028 Sally Lane, addressed the Council in opposition.

Larry Nesbitt, 7132 Valley View Road, addressed the Council in opposition.

Brad Schaeppi, 4600 Bruce Avenue, addressed the Council in support.

Derrell Deming, 7027 McCauley Trail, addressed the Council in opposition.

Buddy Howell, 7135 Valley View Road, addressed the Council in opposition.

Ellen Jones, 5261 Lochloy Drive, addressed the Council.

Tom Bach, 7627 Gleason Road, addressed the Council in opposition.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Sullivan addressed issues raised during public testimony and answered questions of the Council. Mr. Houle stated when petitioned in 2004, a full project with boulevard-style sidewalk and connection to Braemar Park was anticipated. However, funds were not available. He explained that staff wanted to bring this issue forward using available State Aid dollars. Mr. Houle advised there were other projects of a higher priority but also a need to separate pedestrians from vehicles in this area, even if accomplished by a raised sidewalk. Staff wanted to get input from residents and allow the Council to make the determination. **Member Swenson, for discussion purposes, introduced and moved adoption of Resolution No. 2011-70, Sidewalk Construction Valley View Road from McCauley Trail to Braemar Boulevard, Improvement No. S-095.** Member Brindle seconded the motion.

The Council discussed the public testimony and noted traffic volume and speeds had decreased in the project area. The Council consensus was that a temporary raised sidewalk project was not a good use of public funds. Support was expressed for a comprehensive approach, including additional public education, and for a boulevard-style sidewalk as part of permanent reconstruction of Valley View Road. It was noted that a sidewalk placed on the south side of Valley View Road may provide better connectivity with the ballfields and golf course. The Council acknowledged its goal to make Edina the most walkable/bikable community in the metro area, which would attract young families and increase property values.

Ayes: None

Nays: Bennett, Brindle, Sprague, Swenson, Hovland

Motion failed.

The Council agreed with the need to address the issue of sight lines and asked staff to schedule that discussion at a future work session, including the opportunity for public education and options for placing

Minutes/Edina City Council/July 5, 2011

additional signage, such as solar flashing pre-warning and stop signs at Valley View Road and a speed indicator sign to the north. The Council also asked for a recommendation whether the ordinance relating to sight lines should be revised to assure consistent enforceability and/or allow exceptions. Mr. Houle advised that current enforcement of the clear zone was by complaint and that staff worked with the property owners to rectify the violation. He advocated the Council review the process and procedure since many of the City's intersections have similar characteristics.

Mayor Hovland thanked the public for providing guidance on this issue to the Council.

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2011-69 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. Art Center Board Chair McCabe advised that the Three Trees ceramic sculpture was donated by Kevin Komadina. **Member Bennett introduced and moved adoption of Resolution No. 2011-69 accepting various donations.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council's receipt of various correspondence.

X. MAYOR AND COUNCIL COMMENTS – Received

The Council asked staff to provide information on the sound reduction equipment for the air conditioner chiller at Ebenezer York Assisted Living.

XI. MANAGER'S COMMENTS – Received

The Council supported the standard process for the City Manager's six-month performance review and to schedule a closed session meeting with Harry Brull.

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, July 19, 2011.

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Video Copy of the July 5, 2011, meeting available.